

**ZB# 07-35**

**Albert & Mary  
Berlingieri**

**52-1-13.5**

07-35

Albert + Mary Berlingieri  
432 Bull Rd. (52-1-13.5)

LA 82

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

*Granted 8/27/07*

07-35

**NEW WINDSOR ZONING BOARD OF APPEALS**

SBL: 52-1-13.5

In the Matter of the Application of  
**ALBERT & MARY BERLINGIERI**

**MEMORANDUM OF  
DECISION GRANTING**

**AREA VARIANCE**

**CASE #07-35**

**WHEREAS, ALBERT & MARY BERLINGIERI**, owner(s) of 432 Bull Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a request for 25 foot side yard setback and 27 foot total side yard setback for existing deck at 432 Bull Road.

**WHEREAS**, a public hearing was held on August 27, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant, Mr. & Mrs. Albert Berlingieri appeared on behalf of this Application; and

**WHEREAS**, there was one member of the public present; and

**WHEREAS**, one person spoke in favor of the Application and no persons were opposed to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is one family residence located in a neighborhood of one family residences.
  - (b) The variances concern a deck which has been in place and constructed since 1991.

- (c) In constructing the deck the Applicant did not remove any trees or substantial vegetation.
- (d) The deck does not create the ponding or collection of water or diverts the flow of water drainage.
- (e) The deck is not on top of nor does it interfere with any easements including, but not limited to, water, sewer or electrical easements.
- (f) During the time the deck has been in place there has been no complaints either formal or informal about the deck.
- (g) The deck is similar in size and nature to other decks in the neighborhood.
- (h) The owner of the property immediately adjacent to the applicant's property where the deck is located has indicated that he has been there for nine years and does to have a problem with the deck.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance(s).

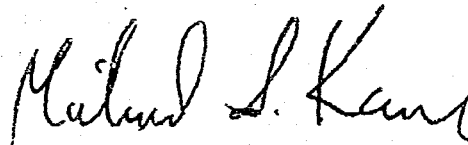
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 25 foot side yard setback and 27 foot total side yard setback for existing deck at 432 Bull Road as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: August 27, 2007

A handwritten signature in black ink, appearing to read "Michael S. Kaur", is written over a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

DATE: 7/3/07

APPLICANT: Albert and Mary Berlingieri  
432 Bull Road  
Rock Tavern, NY 12575

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 6/29/07

FOR : Albert and Mary Berlingieri

LOCATED AT: 432 Bull Road

ZONE: R-1      Sec/Blk/ Lot: 52-1-13.5

DESCRIPTION OF EXISTING SITE: Single Family Dwelling with existing deck

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 300-10 Use/Bulk Table, R-1 zone Line 5, Column F      Required side yard/total both yards (40/80). Existing deck is 15ft from the side property line. A variance of ~~25~~<sup>25</sup> ft side and 27ft total is required.

**COPY**

  
BUILDING INSPECTOR

PERMITTED	PROPOSED OR AVAILABLE:	VARIANCE REQUEST:
ZONE: R-1      USE: Deck		
MIN LOT AREA:		
MIN LOT WIDTH:		
REQ'D FRONT YD:		
•REQ'D SIDE YD:	40ft	15ft      25ft
REQ'D TOTAL SIDE TD:	80ft	53.1ft      27ft
REQ'D REAR YD:		
REQ'D FRONTAGE:		
MAX BLDG HT:		
FLOOR AREA RATIO:		
MIN LIVABLE AREA:		
DEV COVERAGE:		

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number and Tax Parcel ID #, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Water and Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

JUN 28 2007

FOR OFFICE USE ONLY  
Building Permit # 2005-3983

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP. DISABILITY & LIABILITY INSURANCE**  
**CERTIFICATES ARE REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR**  
**ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises Albert + Mary Berlingier

X Address 432 Bull Road Rock Tavern N.Y. 12575 Phone # 945 996 9923 941 2038

X Mailing Address 432 Bull Road Rock Tavern N.Y. 12575 Fax # \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor \_\_\_\_\_



Address \_\_\_\_\_

Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_

(Name and title of corporate officer) \_\_\_\_\_

1. On what street is property located? On the \_\_\_\_\_ side of Bull Rd.  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 52 Block 1 Lot 13.5

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

6. Is this a corner lot? NO existing deck

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_

Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

**PAYED**

10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_

**ZONING BOARD**

# 3983  
6128107

date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4818  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

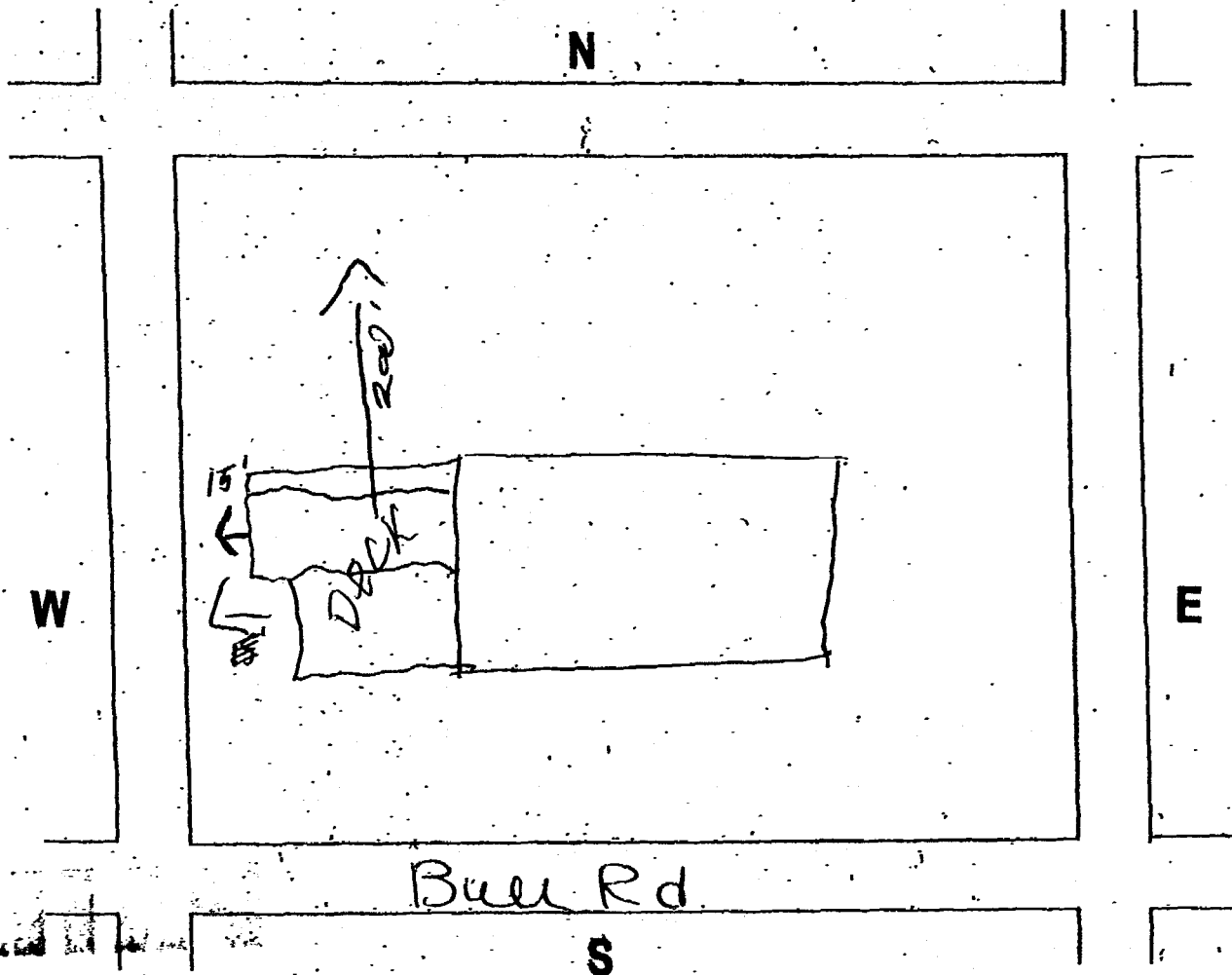
(Owner's Signature)

(Owner's Address)

PLOT PLAN

**NOTE:**

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.

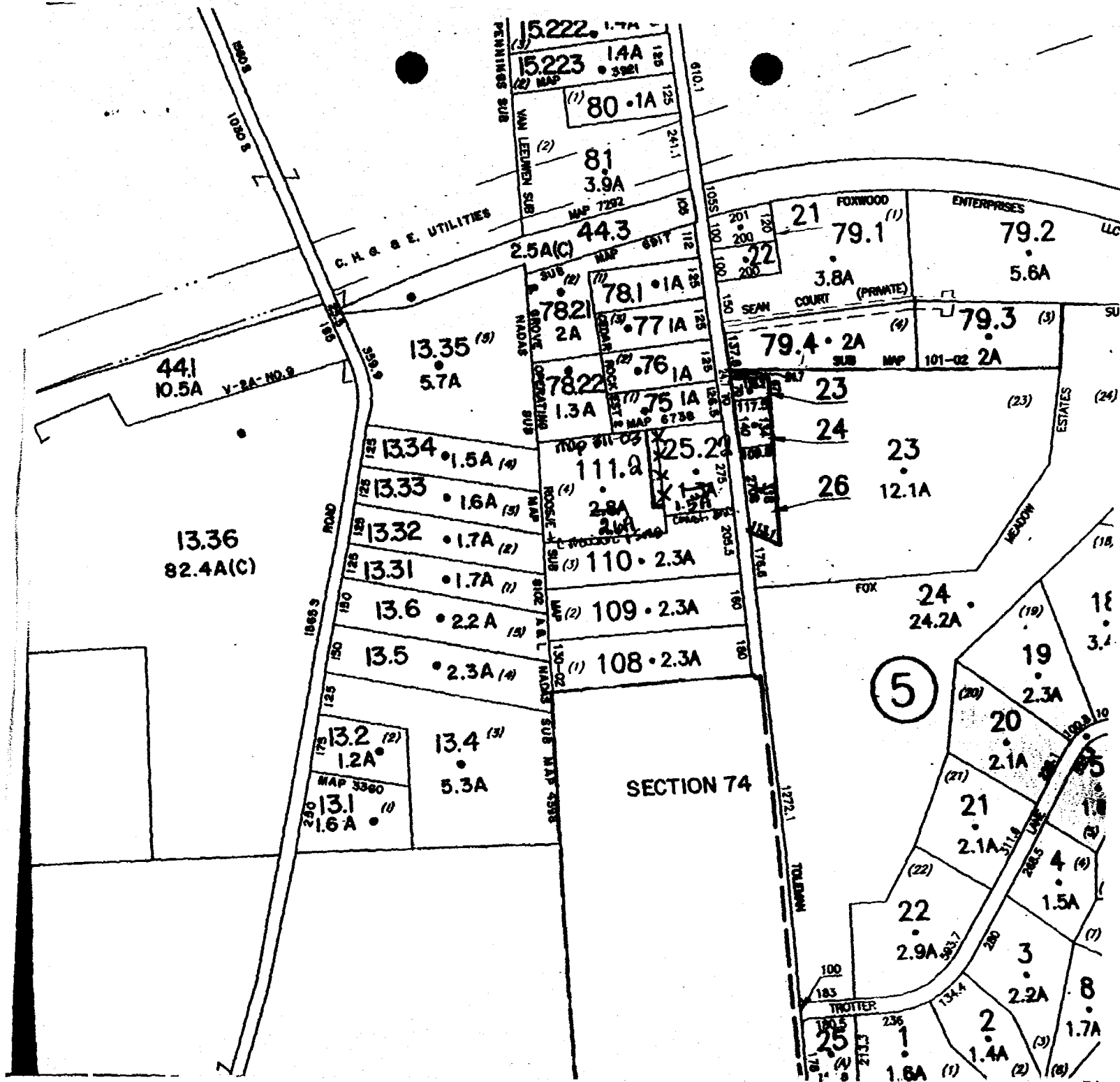


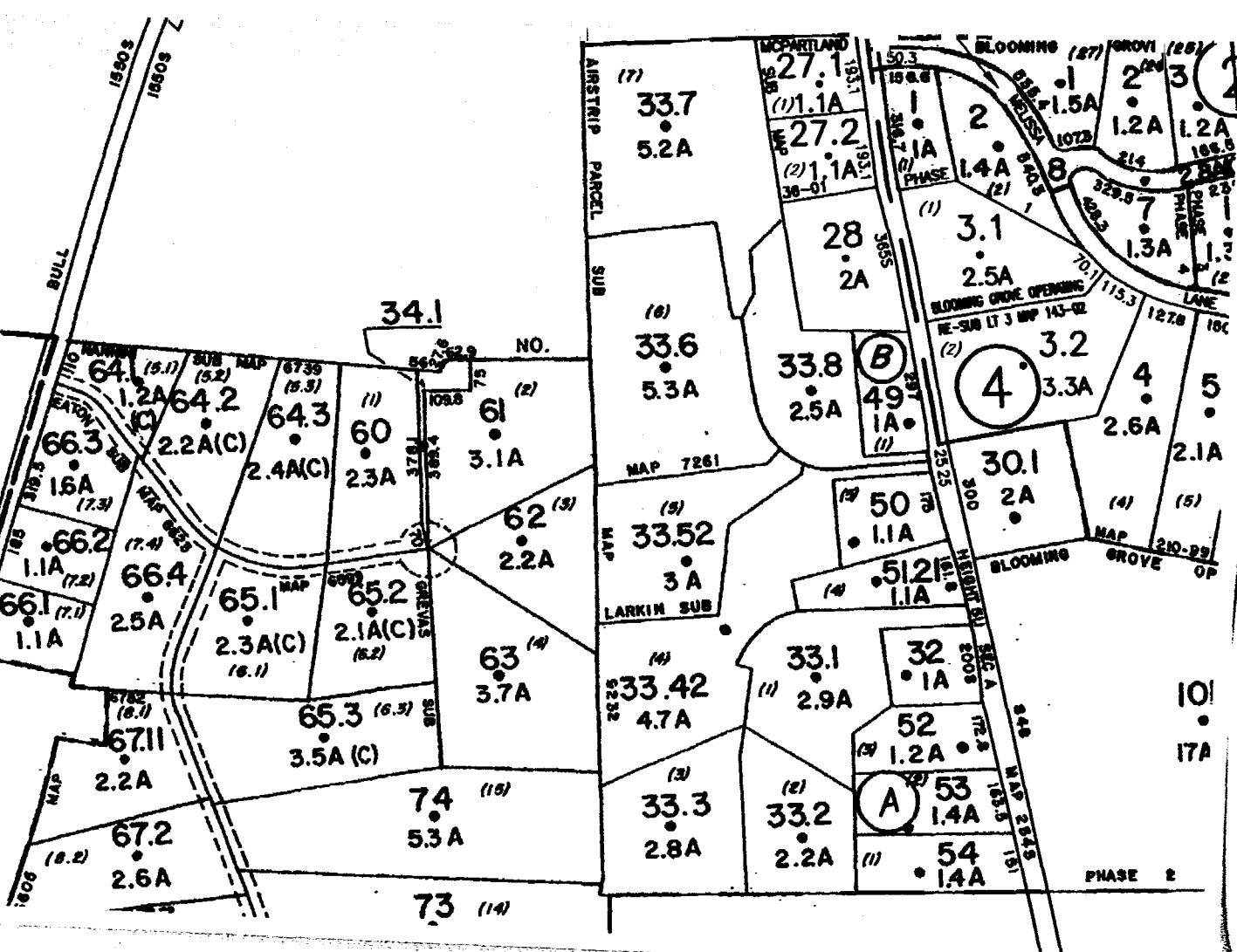
SCHEMATIC

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

PLEASE CALL FOR ALL REQUIRED INSPECTIONS OR PERMITS





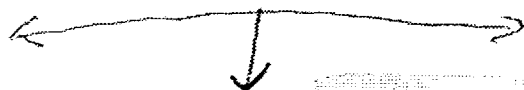
Berlingjer's  
Res.

0432 Bull Run Rock Tavern

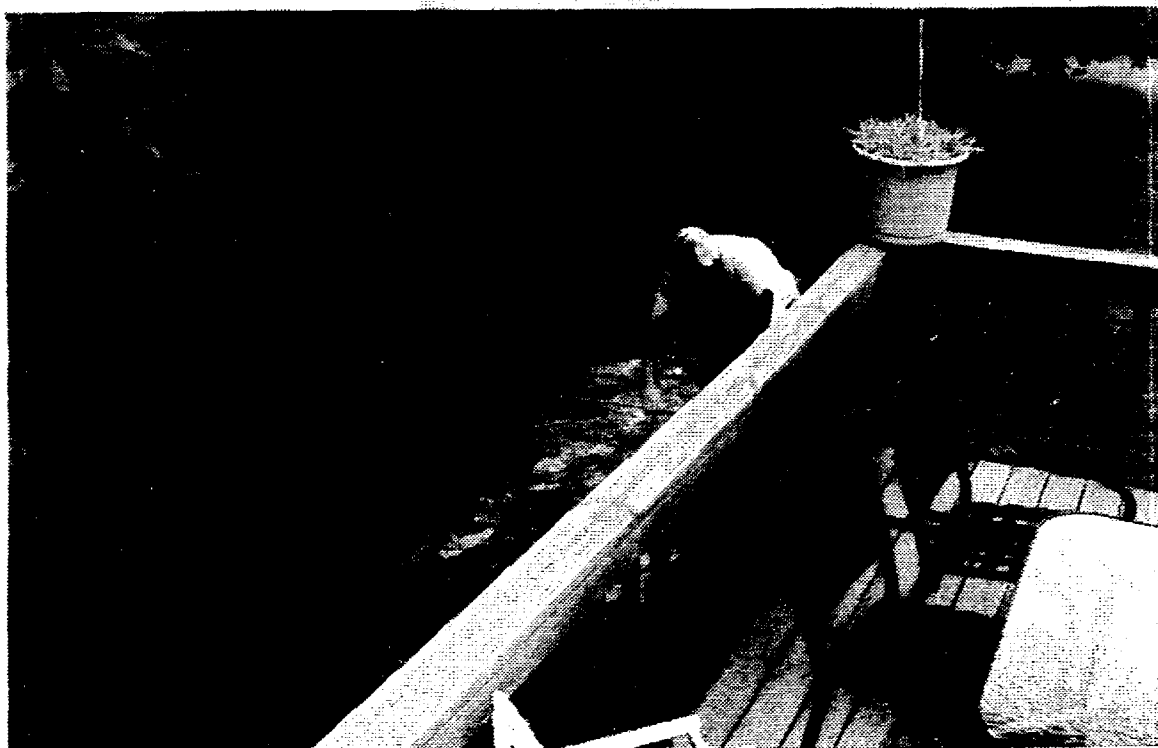
52-1-13.5



15 FT  
UNDER  
TREE  
PROP LINE



END OF DECK

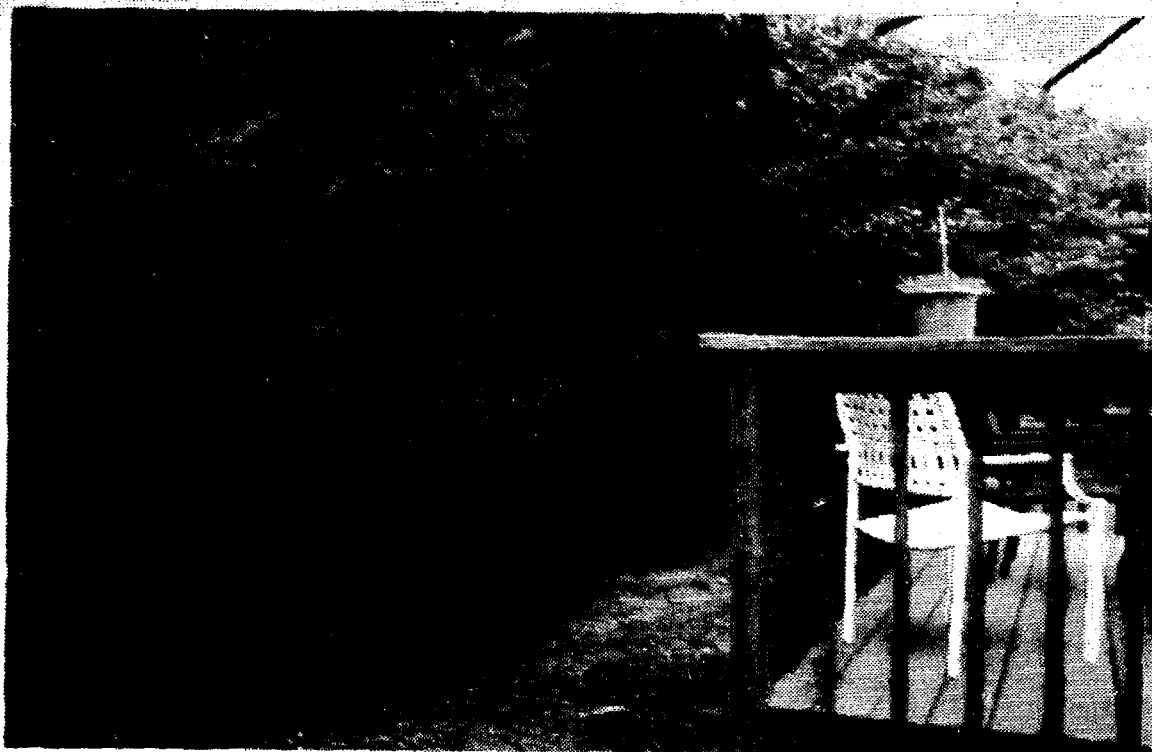


0432 Bull Run Rock Tavern

Perbini Res.

432 Bull Rd  
Rock Tavern N.Y.

92-1-13.



Rep. Line  
Under Tree

Deck  
END

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: NOVEMBER 9, 2007**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 154.71 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-35**

**NAME & ADDRESS:**

**Albert & Mary Berlingieri  
432 Bull Road  
Rock Tavern, NY 12578**

**THANK YOU,**

**MYRA**

**J.F.11/09/07**





**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #07-35      TYPE: AREA      TELEPHONE: 496-9923

**APPLICANT:**

Albert & Mary Berlingieri  
432 Bull Road  
Rock Tavern, NY 12578

RESIDENTIAL:	\$ 50.00	CHECK # 3988
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 3989



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>5</u>	PAGES	<u>\$ 35.00</u>	<u>\$ 35.00</u>
2 <sup>ND</sup> PRELIMINARY:	<u>   </u>	PAGES	<u>\$       </u>	<u>\$       </u>
PUBLIC HEARING:	<u>4</u>	PAGES	<u>\$ 28.00</u>	<u>\$ 35.00</u>
PUBLIC HEARING:	<u>   </u>	PAGES	<u>\$       </u>	<u>\$       </u>

LEGAL AD: Publish Date: 8/17/07      \$ 12.29

TOTAL:      \$ 75.29      \$ 70.00



ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 145.29

AMOUNT DUE:      \$           

REFUND DUE:      \$ 154.71

Cc:

J.F. 11/09/07

August 27, 2007

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PUBLIC HEARINGS:

ALBERT & MARY BERLINGIERI (07-35)

MR. KANE: Request for 25 foot side yard setback and 27 foot total side yard setback for existing deck at 432 Bull Road.

Mr. and Mrs. Berlingieri appeared before the board for this proposal.

MR. KANE: Same as in the preliminary hearing, state your name and address, speak loud enough and tell us what you want to do.

MRS. BERLINGIERI: Mary and Albert Berlingieri, 432 Bull Road, Staten Island, New York.

MR. BERLINGIERI: Rock Tavern, New York.

MR. BERLINGIERI: Al Berlingieri. We'd like to get the variance so we can get a permit to close on this deck, actually bring it up to legal code or the code that's in existence now cause it's been up there since 1991.

MR. KANE: Answered that question. Cut down any trees or substantial vegetation in the building of the deck?

MR. BERLINGIERI: Not at all.

MR. KANE: Create any water hazards or runoffs?

MR. BERLINGIERI: Not at all.

MR. KANE: Any easements running through the area where the deck is?

MR. BERLINGIERI: Not to my knowledge, no.

MR. KANE: Question was answered the deck was built in

August 27, 2007

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1991.

MR. BERLINGIERI: Yes.

MR. KANE: Has there been any complaints formally or informally about the deck?

MR. BERLINGIERI: Not at all.

MR. KANE: Is the deck similar in size and nature to other decks that are in your particular neighborhood?

MR. BERLINGIERI: I believe so, mine is on the side of the house, everybody else's is in the back of the house I believe except for maybe one other deck.

MR. KANE: About how big is the deck?

MR. BERLINGIERI: It's 2 tier, it's 16 x 16 and 12 x 20 the lower section.

MR. KANE: At this point, I'll open it up to the public, ask if there's anybody here for this particular hearing. Okay, just ask you to state your name and address and ask whatever questions you have.

MR. INGINITO: Philip Inginito, 438 Bull Road. The deck faces towards my house, I've been living there nine years, no problem with it.

MR. KANE: Thank you very much, sir. Anybody else for this particular hearing? Seeing as there's not, we'll close the public portion of the hearing and ask, I would say ask Myra how many mailings we had but I'll ask Mike.

MR. BABCOCK: There was 74 mailings on August 20 and no returns. Is that correct, 74?

MR. BERLINGIERI: I believe there were 24 cause I

licked all those envelopes myself and it was actually the end of July.

MR. BABCOCK: This says 74 for some reason.

MR. KANE: But no returns.

MR. BABCOCK: No returns.

MR. KANE: You understand that if the board does approve your request that you still have to meet all of the regulations provided by the building department?

MR. BERLINGIERI: Absolutely.

MR. KANE: Any further questions?

MR. LUNDSTROM: Just one, one of the things that may have just been a slight of tongue, did you say something about closing?

MS. GANN: Are you closing on your house?

MR. BERLINGIERI: No, not right now.

MR. LUNDSTROM: Just wanted to clear that up for the record.

MS. LOCEY: I think what he meant to say he wants to get a Certificate of Occupancy for the deck.

MR. BERLINGIERI: Right, C of O for the deck, I want to make it all legal.

MR. KANE: Any further questions? I'll accept a motion.

MR. LUNDSTROM: I'll offer a motion that the application of by Albert and Mary Berlingieri request for a 25 foot side yard setback and 27 foot total side

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yard setback from existing deck at 432 Bull Road in an R-1 zone, section, block and lot 52-1-13.5 be approved by this board.

MR. TORPEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

July 23, 2007

PRELIMINARY MEETINGS

ALBERT & MARY BERLINGIERI (07-35)

MR. KANE: First meeting request is for a 25 ft. side yard setback and a 27 ft. total side yard setback for existing deck at 432 Bull Road in an R-1 Zone. Just tell us what you want to do.

Mr. and Mrs. Berlingieri appeared before the board for this proposal.

MR. KANE: Let me explain that in the Town of New Windsor we hold two meetings. A preliminary meeting so we can get a general idea of what you want to do and to make sure that you have enough information to present to us so that we can make a decision. Other towns you go in, boom, you're walking in cold. So we'll start. Go ahead.

MRS. BERLINGIERI: We're in the process of selling the house and we went to get the permit and when we got the permit we found out that the permit we had was not good for the existing deck that we have had since 1990 when my son graduated because when we got the contractor to build the deck we said, do we need another permit and he said, do you have an existing permit and we said, yes. He said, well, you don't need it. We have only been here three years and here we stand with this deck. And there is an error, it's only fifteen ft. It must be a typo.

MR. BERLINGIERI: 15 ft. setback. And, in fact, if you take a look at the pictures I provided I think I drew a 15 ft. line because I crawled underneath.

MS. LOCEY: You have 15 ft., is that correct?

MR. BERLINGIERI: Excuse me?

July 23, 2007

MS. LOCEY: You have 15 ft. from the edge of the deck until the --

MR. LUNDSTROM: But the requirement is for 40 ft. so you need the difference.

MR. BERLINGIERI: I understand now.

MR. KANE: The 25 is the difference that you need. We want you to be sure. Okay. Couple of questions. Cutting down of any trees or substantial vegetation in the building of the deck?

MR. BERLINGIERI: Not at all.

MR. KANE: Any water hazards or run off in the building of the deck?

MR. BERLINGIERI: Not at all.

MR. KANE: Have there been -- you said the deck has been in existence since 1990, approximately?

MR. BERLINGIERI: Yes.

MRS. BERLINGIERI: Yes.

MR. KANE: Has there been any complaints formally or informally about the deck?

MR. BERLINGIERI: No, everybody enjoys the deck.

MR. KANE: And the deck is similar in size and nature to other decks in your neighborhood.

MRS. BERLINGIERI: Yes.

MR. BERLINGIERI: Yes.

MR. KANE: Does the deck go over any easements on your property?

July 23, 2007

MR. BERLINGIERI: No.

MR. KANE: On this particular deck is there a door coming from your building to the deck?

MR. BERLINGIERI: From the kitchen to the deck, yes.

MR. KANE: Without the deck there you would consider it a safety hazard?

MR. KRIEGER: Somebody exiting the house.

MR. KANE: If the deck was not there.

MR. BERLINGIERI: Yes, definately. MRS.

BERLINGIERI: Sorry, definitely. MR.

KANE: Okay.

MR. KANE: Does the board have any further questions?

MR. LUNDSTROM: One question. You said the deck was erected what year?

MS. BERLINGIERI: 1990. I remember I was pushing the contractor because my son was graduating and I wanted him to hurry up to have it done.

MR. LUNDSTROM: When was the house built?

MR. BERLINGIERI: 1981. There was an existing deck that when we bought the home we insisted on a C of O of the deck. The attorney that was handling the selling of the house acquired a C of O for the deck that was there and we had company and somebody broke the rail on the deck sitting on it so my son, my oldest son and I went to repair the deck and as we were -- as we jimmied the railing the deck actually fell on us. Well,



July 23, 2007

it didn't fall on us, but fell over so we decided to build a new deck. Unbeknownst to us building a bigger deck we did not realize --

MRS. BERLINGIERI: We were in violation.

MR. KANE: As in most towns it used to be if you were going to, and correct me if I wrong, build the same size or smaller they didn't used to be, they didn't care. Now any changes you make most towns require you to go get a permit.

MR. BERLINGIERI: I am finding that out now as we are trying to sell.

MR. BABCOCK: You have to update to new codes, railing, height separation and stair heights.

MR. KANE: Any further questions?

MR. LUNDSTROM: What was the size of the original deck?

MR. BABCOCK: Looks like 14 by 14 according to the paperwork here.

MR. BERLINGIERI: About that.

MR. KANE: No further questions? I will accept a motion.

MS. LOCEY: Call for a motion to schedule a public hearing on the application of Albert and Mary Berlingieri for the requested variance as detailed on the agenda of the New Windsor Zoning Board of Appeals regular session dated July 23rd, 2007.

MS. GANN: I will second the motion.

ROLL CALL

July 23, 2007

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. KANE	AYE

MR. KANE: This tells you what you need to do next. Any questions you can give Myra a call.



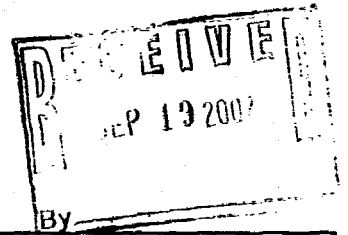
# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

## Invoice

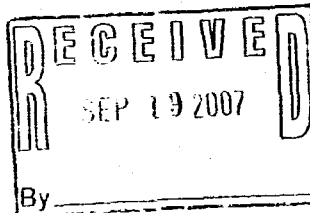
Date	Invoice #
9/11/2007	762

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553



P.O. No.	Terms	Project
MM		

Issue Date	Description	Rate	Amount
8/17/2007	LEGAL ADS: ALBERT & MARY BERLINGIERI 07-35	8.29	8.29
	1 AFFIDAVIT	4.00	4.00
		<b>Total</b>	\$12.29



**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**  
PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:  
Appeal No. (07-35)  
Request of ALBERT & MARY BERLINGIERI for a VARIANCE of the Zoning Local Law to Permit:  
Request for 25 ft. Side Yard Setback and; 27 ft. Total Side Yard Setback for existing deck at 432 Bull Road in an R-1 Zone (52-1-13.5)  
PUBLIC HEARING will take place on AUGUST 27, 2007  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York  
beginning at 7:30 PM  
Michael Kane, Chairman

State of New York

County of Orange, ss:

Kathleen O'Brien being duly sworn disposes and says that she is the Supervisor of Legal Dept. of the E.W. Smith Publishing Company; Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which the annexed is a true copy was published in said newspaper, 1 time (s) commencing on the 17th day of August A.D., 2007 and ending on the 17th day of August A.D. 2007

*Kathleen O'Brien*

Subscribed and shown to before me this 19th day of Sept, 2007.

*Deborah Green*

Notary Public of the State of New York  
County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 2011

My commission expires \_\_\_\_\_.

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#535-2007**

07/19/2007

Berlingieri, Dean A  
432 Bull Rd  
Rock Tavern, NY 12575

Received \$ 50.00 for Zoning Board Fees, on 07/19/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

ZBA# 07-35

**AFFIDAVIT OF MAILING**

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Variance of

ALBERT & MARY BERLINGIERI

AFFIDAVIT OF  
SERVICE  
BY MAIL

#07-35

X

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

JENNIFER GALLAGHER, being duly sworn, deposes and says:

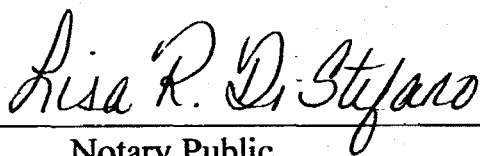
That I am not a party to the action, am over 18 years of age and reside at 25 Ona Lane, New Windsor, NY 12553.

That on the 13<sup>th</sup> day of AUGUST, 2007, I compared the 25 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

  
JENNIFER GALLAGHER

23 day of August, 20 07

  
Notary Public

LISA R. DISTEFANO  
Notary Public, State Of New York  
No. 0106050022  
Qualified In Orange County  
Commission Expires 10/30/ 2010

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

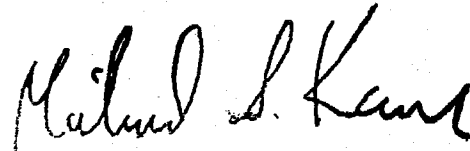
**Appeal No. (07-35)**

**Request of ALBERT & MARY BERLINGIERI**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 25 ft. Side Yard Setback and; 27 ft. Total Side Yard Setback for existing deck at 432 Bull Road in an R-1 Zone (52-1-13.5)**

**PUBLIC HEARING will take place on AUGUST 27, 2007**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



---

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

July 26, 2007

Albert Berlingieri  
432 Bull Rd.  
Rock Tavern, NY 12578

Re: 52-1-13.5      ZBA#: 07-35      (25)

Dear Mr. Berlingieri:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00 minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Zoning Board





52-1-13.1

Albert Hinck & Vance Stout  
Attn: Vance Hinck  
408 Bull Road  
Rock Tavern, NY 12575



52-1-108

John & Cynthia Delavalle  
393 Toleman Road  
Rock Tavern, NY 12575



74-2-2

Victor & Alina Gil  
7 Little Brook Court  
Rock Tavern, NY 12575



52-1-13.2

Ardley & Donna Morse  
418 Bull Road  
Rock Tavern, NY 12575



52-1-109

Jeffrey & Quacey Balleste  
395 Toleman Road  
Rock Tavern, NY 12575



74-2-3

Francis & Leslie Kennedy  
5 Little Brook Court  
Rock Tavern, NY 12575



52-1-13.31

Thomas & Christine Orbacz  
444 Bull Road  
Rock Tavern, NY 12575



52-1-110

Matthew & Kelly Ann Hanna  
1 Roosje Lane  
Rock Tavern, NY 12575



74-1-7

Jeffrey &  
Jacelyn Siegel  
14 Little Brook Ct.  
Rock Tavern, NY 12575



52-1-13.32

Thomas & Regina Sgro  
450 Bull Road  
Rock Tavern, NY 12575



52-1-111.2

Ronald & Alicia Houston  
4 Roosje Lane  
Rock Tavern, NY 12575



74-2-1

Richard & Judy Ting  
9 Little Brook Ct.  
Rock Tavern, NY 12575



52-1-13.33

Matthew & Shannon Renz  
Patricia Voorhis  
458 Bull Road  
Rock Tavern, NY 12575



74-1-8

Michael & Delise Calvente  
12 Little Brook Court  
Rock Tavern, NY 12575



74-2-4

Gregory & Brenda Demiceli  
3 Little Brook Ct.  
Rock Tavern, NY 12575



52-1-13.34

Ruth Gita Nadas  
502 Bull Road  
Rock Tavern, NY 12575



74-1-9

Joseph & Kum-Cha Natale  
10 Little Brook Court  
Rock Tavern, NY 12575



52-1-13.35 & 52-1-13.36

Arthut & Linda Rahl Nadas  
506 Bull Road  
Rock Tavern, NY 12575



74-1-10

Mark & Barbara Rubin  
8 Little Brook Court  
Rock Tavern, NY 12575



52-1-13.4

Richard & Frances DiDonato  
426 Bull Road  
Rock Tavern, NY 12575



74-1-11

Charles & Adelle Berkman  
6 Little Brook Court  
Rock Tavern, NY 12575



52-1-13.6

Philip &  
Maria Ingenito  
438 Bull Rd.  
Rock Tavern, NY 12575



74-1-12

John & Deborah Morrill  
4 Little Brook Court  
Rock Tavern, NY 12575



52-1-35

Raymond Anderson  
411 Bull Rd.  
Rock Tavern, NY 12575



74-1-13

Katherine Crisafi  
Patricia Wrixon  
2 Little Brook Court  
Rock Tavern, NY 12575



**Orange County Department of Planning**  
Application for Mandatory County Review of Local Planning Action  
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.  
To be signed by Local Official.

MUNICIPALITY: Town of New Windsor

TAX MAP ID: 52-1-13.5  
(Section-Block-Lot)

Local File #: 07-35  
Please refer to this number in any correspondence.

Project Name: ALBERT & MARY BERLINGIERI

Applicant: Albert & Mary Berlingieri  
432 Bull Road  
Rock Tavern, NY 12578

Send Copy of Letter to Applicant: (check one)  
Yes ☒ No ☐

Attorney, Engineer, Architect: \_\_\_\_\_

Location of Site: 432 BULL ROAD - ROCK TAVERN, NY  
(Street, highway, nearest intersection)

Size of Parcel: \_\_\_\_\_ Existing Lots: \_\_\_\_\_ Proposed Lots/Units: \_\_\_\_\_

Present Zoning District: R-1

**TYPE OF REVIEW:**

☐ Site Plan (SP): \_\_\_\_\_

☐ Special Use Permit\* (SUP) \_\_\_\_\_

☒ Variance\* USE (UV): \_\_\_\_\_

AREA (AV): XXX

☐ Zoning District Change\* From: \_\_\_\_\_ To: \_\_\_\_\_

☐ Zoning Amendment To Section: \_\_\_\_\_

☐ Subdivision: Major \_\_\_\_\_ Minor \_\_\_\_\_

☐ Sketch

☐ Preliminary

☐ Final (Please indicate stage)

☒ Other Comments: Requires variance for Total Side yard and Side Yard setbacks for existing deck on single family home (see application papers)

Date: 07-17-07

\_\_\_\_\_  
Signature - Myra Mason, Secretary to the ZBA

\* Cite Section of Zoning Regulations where pertinent.

**FOR COUNTY USE ONLY**

County ID# \_\_\_\_\_

GML 239 Referral Guide – 02/27/2007



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## ZONING BOARD OF APPEALS

July 17, 2007

Albert & Mary Berlingieri  
432 Bull Road  
Rock Tavern, NY 12578

SUBJECT: VARIANCE REQUEST #07-35

Dear Mr. Berlingieri:

This letter is to inform you that you have been placed on the July 23<sup>rd</sup>, 2007 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

432 Bull Road  
Rock Tavern, NY

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 07-17-07

FOR: ESCROW 07-35

FROM:

**Albert & Mary Berlingieri**  
**432 Bull Road**  
**Rock Tavern, NY 12578**

CHECK FROM:

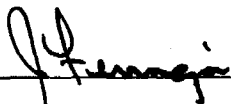
**SAME**

CHECK NUMBER: 3989

TELEPHONE: 496-9923

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME  DATE 7-19-07

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



## **COUNTY OF ORANGE**

**EDWARD A. DIANA**  
COUNTY EXECUTIVE

## **DEPARTMENT OF PLANNING**

124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124  
TEL: (845)291-2318 FAX: (845)291-2533  
[www.orangecountygov.com/planning](http://www.orangecountygov.com/planning)

**DAVID CHURCH, A.I.C.P.**  
COMMISSIONER

### **GENERAL MUNICIPAL LAW § 239 L, M OR N REPORT**

**This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.**

**Referred by:** Town of New Windsor ZBA

**Applicant:** Albert & Mary Berlingieri

**Proposed Action:** Area Variance

**Reason for Review:** Side Yard Setback

**Date of Full Statement:** July 17, 2007

**Reference/County ID No.:** NWT31-07M

**County Tax ID:** 52-1-13.5

**Comments:**

The Planning Department has reviewed the submitted materials regarding the appeal for an area variance. While the Zoning Board of Appeals must weigh the local issues in balancing the needs of the appellant with the potential impacts on the surrounding area, it does not appear that intermunicipal or countywide impacts would result if the board finds that granting relief is warranted in this matter.

**County Recommendation:**

**Local Determination**

**Date:** July 26, 2007

  
**David Church, AICP**  
**Commissioner of Planning**

**"IMPORTANT NOTE: As per NYS General Municipal Law 239-m(6), within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning)."**



RESULTS OF Z.B.A. MEETING OF: July 23, 2007

PROJECT: Albert & Mary Berlingieri ZBA # 07-35  
P.B.# \_\_\_\_\_



USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Lo S) G VOTE: A 4 N 0

GANN A  
LUNDSTROM A  
LOCEY A  
TORPEY \_\_\_\_\_  
KANE A

CARRIED: Y ✓ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES \_\_\_\_\_

VARIANCE APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

Existing since 1990

July 23, 2007 Agenda

TOTAL CHARGES: \_\_\_\_\_



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS



APPLICATION FOR VARIANCE

July 8, 2007  
Date

Application Type: Use Variance ☐ Area Variance ☒  
Sign Variance ☐ Interpretation ☐

- I. **Owner Information:** e-mail address: \_\_\_\_\_  
Phone Number: (845) 496-9923  
Fax Number: (845) 565-7988  
Albert and Mary Berlingieri  
(Name)  
432 Bull Road, Rock Tavern, New York 12578  
(Address)
- II. **Applicant:** e-mail address: \_\_\_\_\_  
Phone Number: (845) 496-9923  
Fax Number: (845) 565-7988  
Albert and Mary Berlingieri  
(Name)  
432 Bull Road  
(Address)  
Rock Tavern, N.Y. 12575
- III. **Forwarding Address, if any, for return of escrow:** Phone Number: ( )  
Fax Number: ( )  
(Name)  
same as above  
(Address)
- IV. **Contractor/Engineer/Architect/Surveyor/:** Phone Number ( )  
Fax Number: ( )  
(Name)  
(Address)
- V. **Property Information:**  
Zone: R-1 Property Address in Question: 432 Bull Rd, Rock Tavern NY  
Lot Size: \_\_\_\_\_ Tax Map Number: Section 52 Block 1 Lot 13.5  
a. Is pending sale or lease subject to ZBA approval of this Application? sale  
b. When was property purchased by present owner? yes  
c. Has property been subdivided previously? no If so, When: \_\_\_\_\_  
d. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? no

\*\*\*\*PLEASE NOTE:\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.	40 ft	15 feet	25 ft
Reqd. Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ratio**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. \*\*In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

**PLEASE ANSWER EACH OF THE FOLLOWING QUESTIONS SPECIFICALLY:**

1. Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; no
2. Whether the requested area variance is substantial; yes
3. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; not at all already existing since 1991
4. Whether the alleged difficulty was self-created. no contractor told us permit not necessary, because deck was built.

**\*\*After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:**

Deck already existing 16 yrs.  
granting variance will help sale of house go through.

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- 
- 

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
  
- ☐ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

9<sup>th</sup> day of July 2007.

ARLENE M. DOMINICK  
Notary Public, State of New York  
Registration No. 01D04905973  
Qualified in Orange County  
Commission Expires September 28, 2009

Arleen M. Dominick  
Signature and Stamp of Notary

Mary Berlingieri

Owner's Signature (Notarized)

Mary Berlingieri

Owner's Name (Please Print)

\_\_\_\_\_  
Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>Albert and Mary Berlingieri</u>	2. PROJECT NAME <u>Variance</u>
3. PROJECT LOCATION: Municipality <u>New Windsor</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>432 Bull Road, Rock Tavern, N.Y. 12575, off Rt 207</u>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Variance on an existing deck</u>	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Mary Berlingieri</u>	Date: <u>7-08-2007</u>
Signature: <u>Mary Berlingieri</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If No, a negative declaration may be superseded by another involved agency.
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)		
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <p style="text-align: center;">not at all</p>		
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <p style="text-align: center;">no</p>		
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <p style="text-align: center;">no</p>		
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <p style="text-align: center;">no</p>		
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: <p style="text-align: center;">no</p>		
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: <p style="text-align: center;">no</p>		
C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly: <p style="text-align: center;">no</p>		
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly		

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☒ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)

\_\_\_\_\_  
Date



# TOWN OF NEW WINDSOR

(845) 563-4615 (MYRA MASON)

## ZONING BOARD APPLICATION PACKAGE



PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION (COMPLETE ONLY THE PAGES WITH HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified) TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$ 50.00  
\*ESCROW: \$300.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00  
\*ESCROW: \$500.00  
\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST (PRELIMINARY) MEETING.

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### ESCROW

THIS IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

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LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

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 **COMPLETE ONLY THE PAGES WITH CHECKED BOX IN CORNER OF PAGE. PLEASE SUBMIT ONE ORIGINAL AND ONE COPY OF ALL PAPERWORK (unless otherwise specified).**

## **PUBLIC HEARING LIST OF PROPERTY OWNERS**

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE). BRING ENOUGH ENVELOPES PREPARED WITH **YOUR** RETURN ADDRESS AND A REGULAR \$.39 STAMP WITH YOU....**YOUR PUBLIC HEARING DATE WILL BE SET AT THIS TIME.**
3. WHEN YOU COME IN TO PICK UP YOUR LIST, **ALLOW YOURSELF ENOUGH TIME TO FINISH PREPARING THE MAILINGS HERE AT THE TOWN HALL.** YOU WILL BE GIVEN ENOUGH **"NOTICES OF PUBLIC HEARING"** TO PUT ONE IN EACH ENVELOPE AND SEAL IT. (It may be easier for you if you bring self-sealing envelopes.)
4. **BRING THE COMPLETED ENVELOPES TO THE ZONING BOARD SECRETARY FOR MAILING. BY DOING IT THIS WAY, WE AVOID HAVING TO SEND EACH ENVELOPE "CERTIFIED MAIL" WHICH IS VERY COSTLY.**

NOTE:

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.